

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Customer Number: 41552
Reed, John C., et al. : Confirmation Number: 5834
Application No.: 10/782,627 : Group Art Unit: 1643
Filed: February 18, 2004 : Examiner: Rawlings, Stephen L.
For: NOVEL BAG PROTEINS AND NUCLEIC ACID MOLECULES ENCODING THEM

TERMINAL DISCLAIMER UNDER RULE 1.321

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Burnham Institute for Medical Research is the assignee of and the exclusive owner of the entire right, title and interest of, in and to the above-identified application, which is a continuation application of U.S. Serial No. 09/394,142, filed September 9, 1999, as indicated by the recordation of Assignment filed in connection with U.S. Serial No. 09/394,142, which was recorded by the U.S. Patent and Trademark Office at Reel 010375 and Frame 0958.

The Burnham Institute for Medical Research hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application that would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154-156 & 173, as presently shortened by any terminal disclaimer, of prior U.S. Patent No. 6,696,558, which issued from U.S. Serial No. 09/394,142.

The Burnham Institute for Medical Research hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the above-identified application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154-156 & 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned has reviewed all of the documents and the chain of title of the patent application identified above and to the best of the undersigned's knowledge and belief all right, title and interest in the above-identified patent application resides with the Burnham Institute for Medical Research.

- For submission on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: 5. May, 2008

Respectfully submitted,

Name: Margaret M. Dunbar

Title: Director of Intellectual Property
BURNHAM INSTITUTE FOR MEDICAL
RESEARCH

Signature: Margaret M. Dunbar